

FEB 03 2003

Board of Vocational Nursing  
and Psychiatric Technicians

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 KIMBERLEY J. BAKER-GUILLEMET, State Bar No. 242920  
Deputy Attorney General  
4 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
5 Telephone: (213) 897-2533  
Facsimile: (213) 897-2804  
6

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation/Petition to  
13 Revoke Probation Against:

Case No. T-1050

14 **TAMERA ELLEN DEROSE**  
7860 Sinaloa Street., Apt. C  
15 Atascadero, CA 93422

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

16 Psychiatric Technician License No. PT 31384

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
21 Accusation and Petition to Revoke Probation solely in her official capacity as the Executive  
22 Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of  
23 Consumer Affairs.

24 2. On or about August 1, 2002, the Board of Vocational Nursing and  
25 Psychiatric Technicians (Board) issued Psychiatric Technician License No. PT 31384 to Tamera  
26 Ellen DeRose (Respondent). The Psychiatric Technician License was issued as a probationary  
27 license and was in full force and effect at all times relevant to the charges brought herein and will  
28 expire on March 31, 2010, unless renewed.

1                   3.     On July 3, 2002, in a disciplinary action entitled *In the Matter of the*  
2     *Statement of Issues Against Tamara Ellen De Rose*, Case No. T-1050, the Board issued a  
3     Decision, effective August 2, 2002, in which Respondent was issued Psychiatric Technician  
4     License No. PT 31384, which was immediately revoked. However, the revocation was stayed  
5     and Respondent's license was placed on probation for a period of two (2) years with certain terms  
6     and conditions.

7                   4.     On July 12, 2005, in a disciplinary action entitled *In the Matter of the*  
8     *Accusation and Petition to Revoke Probation Against Tamara Ellen DeRose*, Case No. T-1050,  
9     OAH Case No. L2004110548, the Board issued a decision (Decision), effective August 11,  
10    2005, in which Respondent's probation was continued for a period of three (3) years with all  
11    terms and conditions of probation as originally ordered by the Board, on July 3, 2002, to remain  
12    in full force and effect. A copy of the Decision is attached as Exhibit A and incorporated by  
13    reference.

14                  5.     Probation Term/Condition 12 of the Disciplinary Order and Decision in  
15    Case No. T-1050 found at page 7, paragraph 12 of the Stipulated Settlement and Disciplinary  
16    Order and Decision for Case No. T-1050 provides as follows:

17                         **Violation of Probation.** If Respondent violates the conditions of  
18    her probation, the Board after giving Respondent notice and an opportunity to be  
19    heard, may set aside the stay order and impose the stayed discipline  
20    (revocation/suspension) of the Respondent's license. If during the period of  
21    probation, an accusation or petition to revoke has been filed against the  
22    Respondent's license or the Attorney General's Office has been requested to  
23    prepare an accusation or petition to revoke probation against the Respondent's  
24    license, the probationary period shall automatically be extended and shall not  
25    expire until the accusation or petition has been acted upon by the Board. Upon  
26    successful completion of probation, the Respondent's license will be fully  
27    restored.

28                  6.     On or about August 4, 2008, the Board requested that the Attorney  
General's Office prepare an Accusation and Petition to Revoke Probation against the  
Respondent's license, thereby automatically extending the probationary period, which shall not  
expire until the Accusation or Petition has been acted upon by the Board.

///

///

## JURISDICTION

7. This Accusation and Petition to Revoke Probation is brought before the Director of Consumer Affairs (Director) for the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

8. Section 101.1, subdivision (b), states:

"(1) In the event that any board, as defined in Section 477, becomes inoperative or is repealed in accordance with the act that added this section, or by subsequent acts, the Department of Consumer Affairs shall succeed to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of that board and its executive officer.

"(2) Any provision of existing law that provides for the appointment of board members and specifies the qualifications and tenure of board members shall not be implemented and shall have no force or effect while that board is inoperative or repealed. Every reference to the inoperative or repealed board, as defined in Section 477, shall be deemed to be a reference to the department."

9. Section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Section 4545, the Board may renew an expired license at any time within four years after the expiration.

10. Section 150 states: "The department is under the control of a civil executive officer who is known as the Director of Consumer Affairs."

11. Section 477 states:

As used in this division:

"(a) 'Board' includes 'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining committee,' 'program,' and 'agency.'"

"(b) 'License' includes certificate, registration or other means to engage in a

1 business or profession regulated by this code."

2           12. Section 490(a) provides, in pertinent part, that the Board may suspend or  
3 revoke a license when it finds that the licensee has been convicted of a crime substantially related  
4 to the qualifications, functions, or duties of a licensed psychiatric technician.

5           13. Section 492 provides, in pertinent part, that successful completion of any  
6 diversion program under the Penal Code, or successful completion of an alcohol and drug  
7 problem assessment program, shall not prohibit any agency established under Division 2  
8 (commencing with Section 500) of this code, or any initiative act referred to in that division,  
9 from taking disciplinary action against a licensee or from denying a license for professional  
10 misconduct, notwithstanding that evidence of that misconduct may be recorded in a record  
11 pertaining to an arrest. This section shall not be construed to apply to any drug diversion program  
12 operated by any agency established under Division 2 (commencing with Section 500) of this  
13 code, or any initiative act referred to in that division.

14           14. Section 4520 provides, in pertinent part, that the Board may discipline any  
15 licensed psychiatric technician for any reason provided in Article 3 (commencing with section  
16 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.).

17           15. Section 4521 states, in pertinent part:

18           "The board may suspend or revoke a license issued under this chapter [the  
19 Psychiatric Technicians Law (Bus. & Prof Code, 4500, et seq.)) for any of the following reasons:

20           "(a) Unprofessional conduct, which includes but is not limited to any of the  
21 following:

22           ....

23           (5) Use any controlled substance as defined in Division 10 (commencing with  
24 Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022,  
25 or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself,  
26 any other person, or the public or to the extent that the use impairs his or her ability to conduct  
27 with safety to the public the practice authorized by his or her license.

28           ....

1           "(d) Violating or attempting to violate, directly or indirectly, or assisting in or  
2 abetting the violation of, or conspiring to violate any provision or terms of this chapter.

3           ....

4           "(f) Conviction of any offense substantially related to the qualifications,  
5 functions, and duties of a psychiatric technician, in which event the record of the conviction shall  
6 be conclusive evidence of the conviction. The board may inquire into the circumstances  
7 surrounding the commission of the crime in order to fix the degree of discipline."

### 8                                   **REGULATORY PROVISIONS**

9           16. California Code of Regulations, title 16, section 2578, states:

10           "For the purposes of denial, suspension, or revocation of a license pursuant to  
11 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or  
12 act shall be considered to be substantially related to the qualifications, functions or duties of a  
13 licensed psychiatric technician if to a substantial degree it evidences present or potential  
14 unfitness of a licensed psychiatric technician to perform the functions authorized by his license in  
15 a manner consistent with the public health, safety, or welfare. . . ."

### 16                                   **COST RECOVERY**

17           17. Section 125.3(a) provides, in pertinent part, that a Board may request the  
18 administrative law judge to direct a licensee found to have committed a violation or violations  
19 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case.

### 21                                   **ACCUSATION**

#### 22                                   **FIRST CAUSE FOR DISCIPLINE**

##### 23                                   **(Conviction of Substantially Related Crimes)**

24           18. Respondent has subjected her Psychiatric Technician License to discipline  
25 under sections 490, subdivision (a) and 4521, subdivision (f), in conjunction with California  
26 Code of Regulations, title 16, section 2578, in that on or about March 5, 2008, Respondent was  
27 convicted of a crime substantially related to the qualifications, functions or duties of a licensed  
28 psychiatric technician which to a substantial degree evidence her present or potential unfitness to

1 perform the functions authorized by her license in a manner consistent with the public health,  
2 safety, or welfare. The conviction is as follows:

3           a.     On or about March 5, 2008, after pleading *nolo contendere*, Respondent  
4 was convicted of one misdemeanor count of violating Penal Code section 647(f) (public  
5 intoxication) in the criminal proceeding entitled *The People of the State of California v. Tamera*  
6 *Ellen DeRose* (Super. Ct. San Luis Obispo County, Paso Robles Branch, 2007, No. M409848).  
7 The Court sentenced Respondent to 10 days in jail. Concurrently, on the grounds of her plea to  
8 Case No. M409848, the criminal proceeding entitled *The People of the State of California v.*  
9 *Tamera Ellen DeRose*, (Super. Ct. San Luis Obispo County, Paso Robles Branch, 2007, No.  
10 M411944) alleging one misdemeanor count of violating Penal Code section 647(f) (public  
11 intoxication), occurring on or about December 14, 2007, was dismissed by the Court.

12           b.     The circumstances underlying the criminal conviction (Case No.  
13 M409848) are that on or about October 19, 2007, a City of Paso Robles Police Department  
14 officer on routine patrol observed Respondent walking out of a bar. The officer observed that as  
15 Respondent walked down the stairs, she stumbled down the steps and nearly fell. He further  
16 observed that Respondent appeared to be following a male subject who was walking westbound  
17 and had exited the bar shortly before Respondent had. As the Respondent continued walking  
18 westbound, she was observed to be stumbling along the sidewalk, using the wall to support  
19 herself. The officer later observed Respondent arguing with the male she had been following.  
20 After the two separated, Respondent was observed yelling at and arguing with a female who  
21 approached her.

22           After making these observations, the officer spoke with Respondent and asked her  
23 if someone was coming to drive her home. As the officer spoke to Respondent, Respondent  
24 became argumentative and interrupted the officer. The officer noticed that Respondent's speech  
25 was slurred and that she was unsteady on her feet. The officer could smell the distinct odor of  
26 alcohol emitting from Respondent. Based upon these observations, the officer determined that  
27 Respondent was unable to care for her own safety or the safety of others due to her level of  
28 intoxication.



1 c. The circumstances underlying the dismissed criminal action (Case No.  
2 M411944) are that on or about December 14, 2007, City of Paso Robles Police Department  
3 officers were dispatched to a bar regarding a female who was intoxicated in front of the bar.  
4 Upon arrival at the scene, one of the officers asked Respondent if there was someone who could  
5 pick her up and drive her home. During the conversation, the reporting officer noticed that  
6 Respondent had a strong odor of alcohol emitting from her breath. He also observed that  
7 Respondent's eyes were glassy and watery and that her speech was slurred and her gait unsteady.  
8 The officer further observed that Respondent had difficulty standing on her own and that she  
9 made several incoherent statements that were not related in any way to the conversation they  
10 were having. Respondent was arrested for public intoxication.

## 11 **SECOND CAUSE FOR DISCIPLINE**

### 12 **(Use of Alcohol to a Dangerous or Injurious Extent)**

13 19. Respondent has subjected her Psychiatric Technician License to discipline  
14 under sections 492 and 4521, subdivisions (a)(5), and / or (d), as a result of her use of alcohol to  
15 a dangerous or injurious extent in or about October, November, and December 2007.  
16 Respondent was arrested for public intoxication on October 19, 2007, and December 15, 2007,  
17 and in her October - December 2007 "Quarterly Written Report," dated December 31, 2007, she  
18 answered that she had "relapsed" and that her new alcohol sobriety date was December 15, 2007.  
19 Complainant refers to and by this reference incorporates the allegations set forth in paragraph 18,  
20 subdivisions (a) - (c), inclusive, above, as though set forth fully here.

## 21 **PETITION TO REVOKE PROBATION**

### 22 **FIRST CAUSE TO REVOKE PROBATION**

#### 23 **(Failure to Obey All Laws)**

24 20. Condition 1 of the terms and conditions of probation contained in the  
25 decision in Case No. T-1050 states:

26 **Obey All Laws.** Respondent shall obey all federal, state and local laws,  
27 including all statutes and regulations governing the license. Respondent shall  
28 submit, in writing, a full and detailed account of any and all violations of the law  
to the Board within five (5) days of occurrence. To ensure compliance with this  
term, respondent shall submit two (2) completed fingerprint cards and the

1 applicable fingerprint processing fees to the Board within thirty (30) days of the  
2 effective date of the decision, unless the Board determines that fingerprint cards  
3 were already submitted by Respondent as part of her licensure application process  
4 effective July 1, 1996. Respondent shall also submit a recent 2" x 2" photograph  
5 of herself within thirty (30) days of the effective date of the decision.

6 21. Respondent's probation is subject to revocation because she failed to  
7 comply with Probation Condition 1, referenced above when she was convicted of being drunk in  
8 public on or about March 5, 2008, in *People v. Derosé, Tamera Ellen*, supra. Further,  
9 Respondent failed to submit a written, full and detailed account of any and all violations of the  
10 law to the Board within five (5) days of their occurrence. Though Respondent was arrested on  
11 October 19, 2007, and on December 14, 2007, she did not report the arrests to the Board until  
12 January 8, 2008, 82 days after the first date of arrest and 25 days after the second date of arrest.

### 13 SECOND CAUSE TO REVOKE PROBATION

#### 14 (Failure to Comply With Probation Program And Quarterly Report Requirements)

15 22. Condition 2 of the terms and conditions of probation contained in the  
16 decision in Case No. T-1050 states:

17 **Compliance With Probation Program And Quarterly Report**  
18 **Requirements.** Respondent shall fully comply with terms and conditions of the  
19 probation established by the Board and shall cooperate with the representatives of  
20 the Board in its monitoring and investigation of the Respondent's compliance  
21 with the Probation Program.

22 Respondent shall submit quarterly reports, under penalty of  
23 perjury, in a form required by the Board. The reports shall certify and document  
24 compliance with all the conditions of probation.

25 23. Respondent's probation is subject to revocation because she failed to  
26 comply with Probation Condition 2, referenced above. The facts and circumstances regarding  
27 this violation are that Respondent submitted the following reports before or after the scheduled  
28 due dates:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>
January - March 2006	April 7, 2006	March 29, 2006
April - June 2006	July 7, 2006	June 22, 2006
July - September 2006	October 7, 2006	September 26, 2006



1	October - December 2006	January 7, 2007	January 16, 2007
2	January - March 2007	April 7, 2007	April 13, 2007
3	July - September 2007	October 7, 2007	October 9, 2007
4	October - December 2007	January 7, 2008	January 8, 2008

### **THIRD CAUSE TO REVOKE PROBATION**

#### **(Failure to Provide Work Evaluations)**

7           24.     Condition 5 of the terms and conditions of probation contained in the  
8 decision in Case No. T-1050 states:

9           **Notification to Employer(s).** When currently employed or applying for  
10 employment in any capacity in any health care profession, Respondent shall notify  
11 her employer of the probationary status of Respondent's license. This notification  
12 to the Respondent's current health care employer shall occur no later than the  
13 effective date of the Decision. Respondent shall notify any prospective health  
14 care employer of her probationary status with the Board prior to accepting such  
15 employment. This notification shall be by providing the employer or prospective  
16 employer with a copy of the Board's Accusation and Disciplinary Decision.

17           The Health Care Profession includes, but is not limited to:  
18 Licensed Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical  
19 Assistant, Paramedic, Emergency Medical Technician, Certified Nursing  
20 Assistant, Home Health Aide, and all other ancillary technical health care  
21 positions.

22           Respondent shall cause each health care employer to submit  
23 quarterly reports to the Board. The reports shall be on a form provided by the  
24 Board, shall include a performance evaluation and such other information as may  
25 be required by the Board.

26           Respondent shall notify the Board, in writing, within five (5) days of any change  
27 in employment status. Respondent shall notify the Board, in writing, if she is terminated  
28 from any nursing or health care related employment with a full explanation of the  
circumstances surrounding the termination.

29           25.     Respondent's probation is subject to revocation because she failed to  
30 comply with Probation Condition 5, referenced above. The facts and circumstances regarding  
31 this violation are that on or about October 13, 2005, during her initial continued probation  
32 compliance meeting, Respondent was advised of the importance of timely submitting "Work  
33 Performance Evaluations." Respondent submitted the following reports before or after the  
34 scheduled due dates:

35     ///

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>
July-September 2005	October 7, 2005	November 1, 2005
January - March 2006	April 7, 2006	March 29, 2006
April - June 2006	July 7, 2006	June 22, 2006
July - September 2006	October 7, 2006	September 26, 2006
October - December 2006	January 7, 2007	January 16, 2007
January - March 2007	April 7, 2007	April 13, 2007
July - September 2007	October 7, 2007	October 9, 2007
October - December 2007	January 7, 2008	January 8, 2008

#### **FOURTH CAUSE TO REVOKE PROBATION**

##### **(Failure to Document Completion of Educational Course)**

26. Condition 9 of the terms and conditions of probation contained in the decision in Case No. T-1050 states:

**Completion of Educational Course(s).** Respondent, at her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation; or Respondent shall be suspended from practice, until she has enrolled in and has successfully completed the specified course work.

The course work shall be in addition to that required for license renewal. The Board shall notify Respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned course work, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, Respondent shall cause the instructor to furnish proof to the Board within thirty (30) days of course completion."

27. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 9, referenced above. The facts and circumstances regarding this violation are that Respondent failed to submit documentation certifying successful completion of an educational course substantially related to Respondent's violation by the end of the first year of probation, August 10, 2006. On or about November 7, 2005, Respondent reported that she was planning to complete a continuing education course entitled, "Nursing

1 Risks and Malpractice: Understanding the Law," for her required 30 contact hours. On or about  
2 December 1, 2005, the Board approved the continuing education course that Respondent had  
3 requested. On or about August 10, 2006, the Board received a letter from Respondent dated  
4 August 6, 2006, requesting a 30 day extension to complete her continuing education  
5 requirement. Respondent provided to the Board a Certificate of Completion, dated September 1,  
6 2006, 23 days after the August 10, 2006, deadline.

7 **FIFTH CAUSE TO REVOKE PROBATION**

8 **(Failure to Abstain From Use of Alcohol)**

9 28. Condition 15 of the terms and conditions of probation contained in the  
10 decision in Case No. T-1050 states:

11 **Abstain From Use of Alcohol.** Respondent shall completely abstain from  
12 the use of alcoholic beverages during the period of probation.

13 29. Respondent's probation is subject to revocation because she failed to  
14 comply with Probation Condition 15, referenced above. The facts and circumstances regarding  
15 this violation are that Respondent failed to abstain from the use of alcohol on or about October  
16 19, 2007, and on or about December 14, 2007, when she was arrested for public intoxication.  
17 Complainant refers to and by this reference incorporates the allegations set forth in paragraph 19,  
18 subdivisions (a) - (c), inclusive, above, as though set forth fully here. Further, on Respondent's  
19 October - December 2007 "Quarterly Written Report," dated December 31, 2007, she reported  
20 that her new sobriety date was December 15, 2007. She had previously reported her sobriety  
21 date as September 21, 2004.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
4 Technicians issue a decision:

5 1. Revoking the probation that was granted by the Board in Case No. T-1050  
6 and imposing the disciplinary order that was stayed thereby revoking Psychiatric Technician  
7 License No. PT 31384 issued to Respondent;

8 2. Revoking or suspending Psychiatric Technician License No. PT 31384,  
9 issued to Respondent;

10 3. Ordering Respondent to pay the Board of Vocational Nursing and  
11 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,  
12 pursuant to Business and Professions Code section 125.3; and

13 4. Taking such other and further action as deemed necessary and proper.  
14

15 DATED: February 3, 2009.  
16

17 

18 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
19 Executive Officer  
20 Board of Vocational Nursing and Psychiatric Technicians  
21 Department of Consumer Affairs  
22 State of California

23 Complainant  
24

25 LA2008601309  
26 60373812.wpd  
27  
28

**Exhibit A**

**Decision and Order, Effective August 11, 2005**

**Board of Vocational Nursing and Psychiatric Technicians Case No. T-1050**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE  
BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to  
Revoke Probation against:

Case No. T-1050

TAMERA ELLEN DE ROSE  
7300 Graves Creek Road  
Atascadero, CA 93422

OAH No. L2004110548

Psychiatric Technician License Number  
PT 31384

Respondent

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted  
by the Board of Vocational Nursing and Psychiatric Technicians as the Final Decision in the  
above entitled matter.

This Decision shall become effective on August 11, 2005.

IT IS SO ORDERED this 12<sup>th</sup> day of July, 2005.

*Sister Marie de Porres Taylor*  
Sister Marie de Porres Taylor.  
President



BEFORE THE  
BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to  
Revoke Probation Against:

TAMERA ELLEN DE ROSE,

Psychiatric Technician License No. PT 32384,

Respondent.

Case No. T-1050

OAH No. L2004110548

**PROPOSED DECISION**

Ralph B. Dash, Administrative Law Judge, Office of Administrative Hearings, heard this matter on March 28, 2005, at Los Angeles, California.

Shawn P. Cook, Deputy Attorney General, represented Complainant.

David L. Fisher, Attorney at Law, represented Respondent Tamera Ellen De Rose (Respondent).

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge makes the following Proposed Decision.

\* \* \* \* \*

**FINDINGS OF FACT**

1. Teresa Bello-Jones, J.D., M.S.N., R.N., made the Accusation and Petition to Revoke Probation (the pleadings) in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians (Board).

2. At the hearing of this matter, the parties stipulated that the factual allegations set forth in the pleadings may be deemed established, and that Respondent would proceed with her case in chief as one of mitigation and rehabilitation. Accordingly, the facts set forth in Findings 3 through 19 below are taken from the pleadings.

3. In a disciplinary action entitled *In the Matter of the Statement of Issues Against Tamara Ellen DeRose*, Case No. T-1050, the Board issued its Decision, effective August 2, 2002, in which Respondent was issued Psychiatric Technician License Number PT 31384. The license was immediately revoked, the revocation was stayed, and the license was placed on probation for a period of two years with certain terms and conditions. Currently, the license is due to expire on March 31, 2006.

4. The terms of Respondent's probation include the following:

**Violation of probation.** If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the Respondent's license. If during the period of probation, an accusation or petition to revoke has been filed against the Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. Upon successful completion of probation, the Respondent's license will be fully restored.

5. On or about July, 7, 2004, the Board requested that the Attorney General's Office prepare an accusation and petition to revoke probation against Respondent's license, thereby automatically extending the probationary period, which shall not expire until the accusation or petition has been acted upon by the Board.

6. In or about August, September and December 2003, and February, July and August 2004, Respondent used alcoholic beverages in a manner that was dangerous or injurious to herself or others.

7. Condition 1 of the terms and conditions of probation contained in the Decision in Case No. T-1050 provides that:

**Obey All Laws.** Respondent shall obey all federal, state and local laws, including all statutes and regulations governing the license. Respondent shall submit, in writing, a full and detailed account of any and all violations of the law to the Board within five (5) days of occurrence. To ensure compliance with this term, respondent shall submit two (2) completed fingerprint cards and the applicable fingerprint processing fees to the Board within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprint cards were already submitted by the Respondent as part of his/her licensure application process effective July 1, 1996. Respondent shall also submit a recent 2" x 2" photograph of

himself/herself within thirty (30) days of the effective date of the decision.

8. Respondent failed to comply with Probation Condition 1, referenced above. The facts and circumstances regarding the violation are that Respondent was convicted on or about July 6, 2001, in a criminal proceeding in the San Luis Obispo Superior Court, case number M0003129289 on her plea of *nolo contendere* to violation of Vehicle Code section 23152(a) (driving under the influence of alcohol.) Respondent was placed on three years probation and ordered to not use alcoholic beverages and refrain from frequenting any place where the principal business was the sale of alcohol. In violation of the terms of her criminal probation, Respondent used alcoholic beverages and/or frequented places where the principal business was the sale of alcohol, during the times set forth in Finding 6.

9. Respondent failed to give written notice to the Board, within five days after she was issued a bench warrant for probation violation. Respondent learned of the warrant on or about June 5, 2004, and surrendered herself to the issuing court the following week. Respondent did not give the Board written notice of the bench warrant until June 30, 2004.

10. Condition 2 of the terms and conditions of probation contained in the Decision in Case No. T-1050 provides that:

**Compliance with Probation Program and Quarterly Report Requirements.** Respondent shall fully comply with terms and conditions of the probation established by the Board and shall cooperate with the representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Probation Program.

Respondent shall submit quarterly reports, under penalty of perjury, in a form required by the Board. The reports shall certify and document compliance with all the conditions of probation.

11. Respondent failed to comply with Probation Condition 2. The facts and circumstances regarding this violation are that Respondent failed to submit completed quarterly reports certifying and documenting compliance with all conditions of probation for April-June 2003. Additionally, Respondent submitted the following reports before or after the scheduled due dates:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>
August-September 2002	October 7, 2002	October 9, 2002
January-March 2003	April 7, 2003	April 8, 2003
July-September 2003	October 7, 2003	September 28, 2003

October-December 2003	January 7, 2004	January 22, 2004
January-March 2004	April 7, 2004	April 15, 2004
April-June 2004	July 7, 2004	June 30, 2004

12. Condition 5 of the terms and conditions of probation contained in the Decision in Case No. T-1050 provides that:

**Notification to Employer(s).** When currently employed or applying for employment in any capacity in any health care profession, Respondent shall notify his/her employer of the probationary status of Respondent's license. This notification to the Respondent's current health care employer shall occur no later than the effective date of the Decision. The respondent shall notify any prospective health care employer of his/her probationary status with the Board prior to accepting such employment. This notification shall be by providing the employer or prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical health care positions.

Respondent shall cause each health care employer to submit quarterly reports to the Board. The reports shall be on a form provided by the Board, shall include a performance evaluation and such other information as may be required by the Board. Respondent shall notify the Board, in writing, within five (5) days of any change in employment status. Respondent shall notify the Board, in writing, if he/she is terminated from any nursing or health care related employment with a full explanation of the circumstances surrounding the termination.

13. Respondent failed to comply with Probation Condition 5. The facts and circumstances regarding this violation are that Respondent failed to submit a work performance evaluation for the reporting periods of July-September 2002; October-December 2002; January-March 2003; and April-June 2004.

In addition, the following reports were submitted before or after the scheduled date:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>
July-September 2003	October 7, 2003	September 28, 2003
October-December 2003	January 7, 2004	January 22, 2004
January-March 2004	April 7, 2004	April 15, 2004

14. Condition 9 of the terms and conditions of probation in the Decision in Case No. T-1050 provides that:

**Completion of Educational Course(s).** Respondent, at his or her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation; or the Respondent shall be suspended from practice, until he or she has enrolled in and has successfully completed the specified coursework.

The coursework shall be in addition to that required for license renewal. The Board shall notify the Respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, Respondent shall cause the instructor to furnish proof to the Board within thirty (30) days of course completion.

15. Respondent failed to comply with Condition 9. Respondent failed to submit documentation certifying successful completion of an educational course substantially related to Respondent's violation, due on or before August 2, 2003. On or about May 16, 2003, Respondent reported that she was to complete a course entitled "Nursing and Malpractice Risk: Understanding the Law." However, Respondent failed to provide documentation of successful completion prior to August 2, 2003.

16. Condition 13 of the terms and conditions of probation contained in the Decision in Case No. T-1050 provides that:

**Chemical Dependency Support/Recovery Groups.** Within five (5) days of the effective date of the Decision, Respondent shall begin attendance at a chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse Support Group). Verified documentation of attendance shall be submitted by the

Respondent with each quarterly report. Respondent shall continue attendance in such a group for the duration of probation.

17. Respondent failed to comply with Condition 13. Respondent failed to submit verified proof of attendance at a chemical dependency support group each quarter as required. Respondent failed to submit documentation for the reporting period of April-June 2003. In addition, the following reports were submitted before or after the scheduled due dates:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>
August-September 2002	October 7, 2002	October 9, 2002
January-March 2003	April 7, 2003	April 8, 2003
April-June 2003	July 7, 2003	September 25, 2003
July-September 2003	October 7, 2003	September 25, 2003
October-December 2003	January 7, 2004	January 22, 2004
January-March 2004	April 7, 2004	April 15, 2004
April-June 2004	July 7, 2004	June 30, 2004

18. Condition 15 of the terms and conditions of probation contained in the Decision in Case No. T-1050 provides that:

**Abstain From Use of Alcohol.** Respondent shall completely abstain from the use of alcoholic beverages during the period of probation.

19. Respondent failed to comply with Probation Condition 15 in that she failed to abstain from the use of alcohol and has consumed unknown quantities of alcohol while on probation during, but not necessarily limited to, August, September and December 2003 and February, July and August 2004.

20. Respondent's original license was issued with probationary terms based on Respondent's having been convicted of driving under the influence of alcohol. Respondent candidly admitted that, even though she had been issued a probationary license in 2002, she did not really stop drinking alcohol until September 21, 2004. It took Respondent "a while to wean [her]self from alcohol." Respondent did not elaborate as to what exactly made her turn the corner and find sobriety, but as of the date of hearing, she had been clean and sober for 189 days. She attends AA meetings regularly, and has a sponsor.



21. Although Respondent has abused alcohol in the past, it never affected her job performance. Respondent began working part time at Atascadero State Hospital (hospital) in June 2000. Six days after her probationary license was issued, Respondent began working the morning shift in Unit 31 at the hospital. Her duties included "therapeutic communication with patients, documentation, [taking] vital signs, therapy groups, provid[ing] a safe environment and 'random shakedowns.'" She was later made responsible for dispensing patient medications.

22. Respondent has consistently received superior performance evaluations at the hospital. During her one year probationary period there, Respondent was cited for outstanding performance in the areas of work habits, learning ability and attitude. In late 2003, during and just after going through the most difficult part of her personal battles with alcohol and a very messy custody fight, which she eventually won,<sup>1</sup> Respondent was given a promotion, permitting her to dispense medication. In a "performance appraisal summary" made in March 2004, Respondent's supervisor had nothing but praise for Respondent. The supervisor wrote, in part:

You became full-time AM shift medication person in October [2003]. You have also taken on the responsibility of doing sick call with the ward physician and psychiatrist. Your organizational skills, learning ability and attitude are outstanding which is evidenced by the superior job you are doing... **You follow good practices of personal safety; you are aware of and follow policies and procedures for safety and security. ..You set clear boundaries with our patients and you are effective in dealing with them. ..You show good judgment in analyzing situations and draw sound conclusions. ..You are now the AM Medication person. I know you thought you had big shoes to fill when taking over that position. I am impressed [with] the great job you are doing in the 5 short months you've been in the med room. Keep up the good job. .. You are a valuable asset to the Unit 31 team. (Emphasis in original.)**

Respondent's most recent Performance Appraisal Summary, dated March 17, 2005, contains similar language praising Respondent. In fact, her supervisor added an addendum to the appraisal, further extolling Respondent's excellence in her job:

Tami, you continue to meet or exceed the clinical standards of your current duty statement. You have consistently proven yourself as a

---

<sup>1</sup> The custody battle involved not only the father of the child, but the father's mother, Verneda Robinson, as well. Ms. Robinson had sought custody of the child. Ms. Robinson testified at the hearing of this matter, and succeeded only in confirming Respondent's testimony that Ms. Robinson had made false accusations regarding Respondent's lack of sobriety. It is not necessary to detail any of Ms. Robinson's testimony, as the entirety of it is found to be not credible. Ms. Robinson displayed obvious, almost palpable, bias against Respondent. Her harsh tone, and her manner of glaring at Respondent, coupled with inconsistencies in her testimony, showed that acrimony and bitterness over losing the custody battle to Respondent were the motivating factors behind her testimony.

resource and role model for the many new employees you are helping to develop. You provide close observation, direction, and support to the patients. You are aware of the norms for the individual patient, and as needed, document status or changes in the patient's unit record. Your ability to establish and maintain therapeutic relationships is evident as you interact with the patients... You handle the majority of the new/renewal of physician's orders from the daily sick-call or weekly ID team, working closely with the unit MD and psychiatrist (not an easy job!) You also have the added responsibility of helping me in orienting and training of newly licensed staff in the medication administration process, and I am very grateful for this. ..[Y]ou are always aware of the importance of maintaining an atmosphere of non-violence and safety, and apply safe practices and observation when supervising patient activity. On occasion your assignment as relief Shift Lead indicates the confidence your supervisors have in your understanding of Unit and nursing procedures...

23. Respondent was genuinely remorseful for her past conduct. She was highly respectful of the Board and these proceedings. She is a young mother who supports herself and child, maintains steady employment, goes to AA meetings, as well as church, on a regular basis, and who enjoys many healthy hobbies, such as horseback riding and working out at the gym. She is very happy with her job, and looks forward to a long career at the hospital.

24. Respondent has, to the best of her ability, obtained and submitted any missed reports referenced above. The April-June 2003 report, referenced in Finding 17, was due shortly after Respondent had given birth, and Respondent was so involved with her new baby that she simply failed to file the report. She offered no excuses and accepted full responsibility for this failure. However, she did attempt to comply, at least in part, with the requirement for filing this report. Respondent filed a report, received by the Board on September 25, 2003, which purported to cover two reporting periods: April-June and July-September 2003, and did mention the birth of her daughter, although she did not attempt to use the birth as an excuse for missing the reporting deadline.

25. The Board reasonably incurred costs, including fees of the Attorney General, in connection with the investigation and prosecution of this matter in the sum of \$5,210.75.

\* \* \* \* \*

## CONCLUSIONS OF LAW

1. Cause for license discipline exists under the provisions of Business and Professions Code section 4521, subdivision (a)(5), by reason of Finding 6.

2. Cause exists to dissolve the order staying revocation of Respondent's license, and to impose the order of revocation, based on Respondent's violation of the terms her probation as set forth in Findings 7 through 19.

3. In light of evidence of mitigation and rehabilitation, as set forth in Findings 20 through 24, it would not be against the public health, safety, and welfare, to continue in effect all terms of Respondent's current probation for an additional three years from the effective date of this Proposed Decision.

4. The Board is entitled to recover the sum of \$5,210.75 from Respondent, under the provisions of Business and Professions Code section 125.3, by reason of Finding 25.

\* \* \* \* \*

### ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. Respondent's probation is hereby continued for a period of three years from the effective date of this Proposed Decision. All terms and conditions of probation as originally Ordered by the Board shall remain in full force and effect. Respondent is specifically admonished that she must strictly comply with each and every term of probation, and should further be advised the Board may impose substance abuse testing (Condition 16), on a more frequent basis than previously (as often as the daily, if the Board so chooses), with all costs of testing to be borne by Respondent.

2. Respondent shall pay to the Board the sum of \$5,210.75 at such time and in such manner as the Board, in its discretion, may direct.

Date: 5-2-05

  
RALPH B. DASH

Administrative Law Judge

Office of Administrative Hearings

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SHAWN P. COOK, State Bar No. 117851  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-9954  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **BOARD OF VOCATIONAL NURSING**  
10 **AND PSYCHIATRIC TECHNICIANS**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation and Petition to  
Revoke Probation Against:

Case No. T-1050

14 TAMERA ELLEN DE ROSE  
15 702 Buena Fortuna Circle  
Atascadero, CA 93422

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

16 Psychiatric Technician License No. PT 31384

Respondent.

17 Complainant alleges:

18 **PARTIES**

- 19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
20 Accusation and Petition to Revoke Probation solely in her official capacity as the Executive  
21 Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of  
22 Consumer Affairs.
- 23 2. On or about August 1, 2002, the Board issued Psychiatric Technician  
24 License No. PT 31384 to Tamara Ellen De Rose (Respondent). The Psychiatric Technician  
25 License was issued as a probationary license and was in full force and effect at all times relevant  
26 to the charges brought herein and will expire on March 31, 2006, unless renewed.
- 27 3. In a disciplinary action entitled *In the Matter of the Statement of Issues*  
28 *Against Tamara Ellen De Rose*, Case No. T-1050, the Board of Vocational Nursing and

1 Psychiatric Technicians, issued a decision ("Decision"), effective August 2, 2002, in which  
2 Respondent was issued Psychiatric Technician License No. PT 31384, which was immediately  
3 revoked. However, the revocation was stayed and Respondent's license was placed on probation  
4 for a period of two (2) years with certain terms and conditions. A copy of the Decision is  
5 attached as Exhibit A and is incorporated by reference.

6 4. The Decision provides at page 7, paragraph 12:

7 **Violation of Probation.** If Respondent violates the conditions of  
8 her probation, the Board after giving Respondent notice and an opportunity to be  
9 heard, may set aside the stay order and impose the stayed discipline  
10 (revocation/suspension) of the Respondent's license. If during the period of  
11 probation, an accusation or petition to revoke has been filed against the  
12 Respondent's license or the Attorney General's Office has been requested to  
prepare an accusation or petition to revoke probation against the Respondent's  
license, the probationary period shall automatically be extended and shall not  
expire until the accusation or petition has been acted upon by the Board. Upon  
successful completion of probation, the Respondent's license will be fully  
restored.

13 5. On or about July 7, 2004, the Board requested that the Attorney General's  
14 Office prepare an accusation or petition to revoke probation against the Respondent's license,  
15 thereby automatically extending the probationary period, which shall not expire until the  
16 accusation or petition has been acted upon by the Board.

#### 17 JURISDICTION

18 6. This Accusation and Petition to Revoke Probation is brought before the  
19 Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer  
20 Affairs, under the authority of the following laws. All section references are to the Business and  
21 Professions Code unless otherwise indicated.

22 7. Section 4520 states, in pertinent part:

23 "Every licensed psychiatric technician under this chapter [chapter 10,  
24 commencing with section 4500] may be disciplined as provided in this article [article 3,  
25 commencing with section 4520]."

26 8. Section 118, subdivision (b) states:

27 "The suspension, expiration, or forfeiture by operation of law of a license issued  
28 by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or



1 by order of a court of law, or its surrender without the written consent of the board, shall not,  
2 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board  
3 of its authority to institute or continue a disciplinary proceeding against the licensee upon any  
4 ground provided by law or to enter an order suspending or revoking the license or otherwise  
5 taking disciplinary action against the licensee on any such ground."

6 9. Section 4521 states:

7 "The board may suspend or revoke a license issued under this chapter [chapter 10,  
8 commencing with section 4500] for any of the following reasons:

9 "(a) Unprofessional conduct, which includes, but is not limited to, any of the  
10 following: . . . .

11 (5) Use any controlled substance as defined in Division 10 (commencing with  
12 Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022,  
13 or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself,  
14 any other person, or the public or to the extent that the use impairs his or her ability to conduct  
15 with safety to the public the practice authorized by his or her license.

16 . . . .  
17 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or  
18 abetting the violation of, or conspiring to violate any provision or terms of this chapter."

19 10. Section 125.3, subdivision (a), states, in pertinent part:

20 "Except as otherwise provided by law, in any order issued in resolution of a  
21 disciplinary proceeding before any board within the department . . . the board may request the  
22 administrative law judge to direct a licensee found to have committed a violation or violations  
23 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case."

## 25 ACCUSATION

### 26 FIRST CAUSE FOR DISCIPLINE

#### 27 (Use of Alcohol to a Dangerous or Injurious Extent)

28 11. Respondent has subjected her Psychiatric Technician License to discipline



1 under section 4521(a)(5) of the Code for unprofessional conduct, in or about August, September,  
2 December, 2003 and February, July and August, 2004, Respondent used alcoholic beverages in a  
3 manner that was dangerous or injurious to herself or others.

4 **PETITION TO REVOKE PROBATION**

5 **FIRST CAUSE TO REVOKE PROBATION**

6 **(Failure to Obey All Laws)**

7 12. Condition 1 of the terms and conditions of probation contained in the  
8 decision in Case No. T-1050 provides that:

9 **Obey All Laws.** Respondent shall obey all federal, state and local laws,  
10 including all statutes and regulations governing the license. Respondent shall  
11 submit, in writing, a full and detailed account of any and all violations of the law  
12 to the Board within five (5) days of occurrence. To ensure compliance with this  
13 term, respondent shall submit two (2) completed fingerprint cards and the  
14 applicable fingerprint processing fees to the Board within thirty (30) days of the  
effective date of the decision, unless the Board determines that fingerprint cards  
were already submitted by Respondent as part of her licensure application process  
effective July 1, 1996. Respondent shall also submit a recent 2" x 2" photograph  
of herself within thirty (30) days of the effective date of the decision.

15 13. Respondent's probation is subject to revocation because she failed to  
16 comply with Probation Condition 1, referenced above. The facts and circumstances regarding  
17 this violation are that Respondent was convicted on or about July 6, 2001, in a criminal  
18 proceeding entitled *People v. DeRose, Tamera Ellen* in San Luis Obispo Superior Court, Case  
19 number M0003129289 on her plea of *nolo contendere* to violation of Vehicle Code sec.  
20 23152(a) (driving under the influence of alcohol.) Respondent was placed on three years  
21 probation and ordered to not use alcoholic beverages and refrain from frequenting any place  
22 where the principal business was the sale of alcohol. In violation of the terms of her criminal  
23 probation, Respondent has used alcoholic beverages and/or frequented places where the principal  
24 business was the sale of alcohol, during the times alleged in paragraph 11, supra.

25 14. Respondent failed to give written notice to the Board, within five  
26 days after she was issued a bench warrant for probation violation. Respondent learned of the  
27 warrant on or about June 5, 2004 and surrendered herself to the issuing court the following  
28 week. Respondent did not give the Board written notice of the bench warrant until June 30, 2004.

1 **SECOND CAUSE TO REVOKE PROBATION**

2 **(Failure to Comply With Probation Program And Quarterly Report Requirements)**

3 15. Condition 2 of the terms and conditions of probation contained in the  
4 decision in Case No. T-1050 provides that:

5 **Compliance With Probation Program And Quarterly Report**  
6 **Requirements.** Respondent shall fully comply with terms and conditions of the  
7 probation established by the Board and shall cooperate with the representatives of  
8 the Board in its monitoring and investigation of the Respondent's compliance  
9 with the Probation Program.

8 Respondent shall submit quarterly reports, under penalty of  
9 perjury, in a form required by the Board. The reports shall certify and document  
compliance with all the conditions of probation.

10 16. Respondent's probation is subject to revocation because she failed to  
11 comply with Probation Condition 2, referenced above. The facts and circumstances regarding  
12 this violation are that Respondent failed to submit completed quarterly reports certifying and  
13 documenting compliance with all conditions of probation for April - June 2003. Additionally,  
14 Respondent submitted the following reports before or after the scheduled due dates:

15 <u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>
16 August - September 2002	October 7, 2002	October 9, 2002
17 January - March 2003	April 7, 2003	April 8, 2003
18 July - September 2003	October 7, 2003	September 28, 2003
19 October - December 2003	January 7, 2004	January 22, 2004
20 January - March 2004	April 7, 2004	April 15, 2004
21 April - June 2004	July 7, 2004	June 30, 2004

22 **THIRD CAUSE TO REVOKE PROBATION**

23 **(Failure to Provide Work Evaluations)**

24 17. Condition 5 of the terms and conditions of probation contained in the  
25 decision in Case No. T-1050 provides that:

26 **Notification to Employer(s).** When currently employed or applying for  
27 employment in any capacity in any health care profession, Respondent shall notify  
28 her employer of the probationary status of Respondent's license. This notification  
to the Respondent's current health care employer shall occur no later than the  
effective date of the Decision. Respondent shall notify any prospective health

1 care employer of her probationary status with the Board prior to accepting such  
2 employment. This notification shall be by providing the employer or prospective  
employer with a copy of the Board's Accusation and Disciplinary Decision.

3 The Health Care Profession includes, but is not limited to:  
4 Licensed Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical  
Assistant, Paramedic, Emergency Medical Technician, Certified Nursing  
5 Assistant, Home Health Aide, and all other ancillary technical health care  
positions.

6 Respondent shall cause each health care employer to submit  
7 quarterly reports to the Board. The reports shall be on a form provided by the  
Board, shall include a performance evaluation and such other information as may  
8 be required by the Board. Respondent shall notify the Board, in writing, within  
five (5) days of any change in employment status. Respondent shall notify the  
9 Board, in writing, if she is terminated from any nursing or health care related  
employment with a full explanation of the circumstances surrounding the  
10 termination.

11 18. Respondent's probation is subject to revocation because she failed to  
12 comply with Probation Condition 5, referenced above. The facts and circumstances regarding  
13 this violation are that Respondent failed to submit a work performance evaluation for the  
14 reporting periods of July - September 2002; October - December 2002; January - March 2003;  
15 April-June 2003; and April - June 2004. In addition, the following reports were submitted before  
or after the scheduled due dates:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>
July - September 2003	October 7, 2003	September 28, 2003
October - December 2003	January 7, 2004	January 22, 2004
January - March 2004	April 7, 2004	April 15, 2004

#### **FOURTH CAUSE TO REVOKE PROBATION**

##### **(Failure to Document Completion of Educational Course)**

19. Condition 9 of the terms and conditions of probation contained in the  
20 decision in Case No. T-1050 provides that:

21 **Completion of Educational Course(s).** Respondent, at her own expense,  
22 shall enroll and successfully complete a course(s) substantially related to the  
23 violation(s) no later than the end of the first year of probation; or Respondent shall  
24 be suspended from practice, until she has enrolled in and has successfully  
25 completed the specified course work.

26 The course work shall be in addition to that required for license renewal.  
27 The Board shall notify Respondent of the course content and number of contact  
28

1 hours required. Within thirty (30) days of the Board's written notification of  
2 assigned course work, Respondent shall submit a written plan to comply with this  
3 requirement. The Board shall approve such plan prior to enrollment in any course  
4 of study.

5  
6 Upon successful completion of the course, Respondent shall cause the  
7 instructor to furnish proof to the Board within thirty (30) days of course  
8 completion."

9  
10 20. Respondent's probation is subject to revocation because she failed to  
11 comply with Probation Condition 9, referenced above. The facts and circumstances regarding  
12 this violation are that Respondent failed to submit documentation certifying successful  
13 completion of an educational course substantially related to Respondent's violation, due on or  
14 before August 2, 2003. On or about May 16, 2003, Respondent reported that she was to  
15 complete a course entitled, "Nursing and Malpractice Risk: Understanding the Law." However,  
16 Respondent failed to provide documentation of successful completion prior to August 2, 2003.

#### 17 FIFTH CAUSE TO REVOKE PROBATION

##### 18 (Failure to Document Attendance at Chemical Dependency Support/recovery Groups)

19  
20 21. Condition 13 of the terms and conditions of probation contained in the  
21 decision in Case No. T-1050 provides that:

22 **Chemical Dependency Support/recovery Groups.** Within five (5) days  
23 of the effective date of the Decision, Respondent shall begin attendance at a  
24 chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics  
25 Anonymous, Nurse Support Group). Verified documentation of attendance shall  
26 be submitted by the Respondent with each quarterly report. Respondent shall  
27 continue attendance in such a group for the duration of probation.

28  
29 22. Respondent's probation is subject to revocation because she failed to  
30 comply with Probation Condition 13, referenced above. The facts and circumstances regarding  
31 this violation are that Respondent failed to submit verified proof of attendance at a chemical  
32 dependency support group each quarter as required. Respondent failed to submit documentation  
33 for the reporting period of April - June 2003. In addition, the following reports were submitted  
34 before or after the scheduled due dates:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>
August - September 2002	October 7, 2002	October 9, 2002

1	January - March 2003	April 7, 2003	April 8, 2003
2	April - June 2003	July 7, 2003	September 25, 2003
3	July - September 2003	October 7, 2003	September 25, 2003
4	October - December 2003	January 7, 2004	January 22, 2004
5	January - March 2004	April 7, 2004	April 15, 2004
6	April - June 2004	July 7, 2004	June 30, 2004

### SIXTH CAUSE TO REVOKE PROBATION

(Failure to Abstain From Use of Alcohol)

23. Condition 15 of the terms and conditions of probation contained in the decision in Case No. T-1050 provides that:

**Abstain From Use of Alcohol.** Respondent shall completely abstain from the use of alcoholic beverages during the period of probation.

24. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 15, referenced above. The facts and circumstances regarding this violation are that Respondent failed to abstain from the use of alcohol and has consumed unknown quantities of alcohol while on probation, during, but not necessarily limited to August, September, December, 2003 and February, July and August, 2004.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking the probation that was granted by the Board of Vocational Nursing and Psychiatric Technicians in Case No. T-1050 and imposing the disciplinary order that was stayed thereby revoking Psychiatric Technician License No. PT 31384 issued to Tamara Ellen De Rose;

2. Revoking or suspending Psychiatric Technician License No. PT 31384 issued to Tamara Ellen De Rose;

3. Ordering Tamara Ellen De Rose to pay the Board of Vocational Nursing

1 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this  
2 case, pursuant to Business and Professions Code section 125.3;

3 2. Taking such other and further action as deemed necessary and proper.

4 DATED: September 27, 2004



5 TERESA BELLO-JONES, J.D., M.S.N., R.N.

6 Executive Officer

7 Board of Vocational Nursing and Psychiatric Technicians

8 Department of Consumer Affairs

9 State of California

10 Complainant

11 03597110-LA2004601273

12 I:\all\cook\draft pleading\60058794.wpd

13 spc



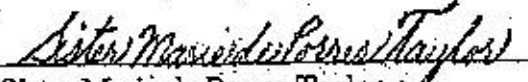
**Exhibit A**

**Decision and Order**

**Board of Vocational Nursing and Psychiatric Technicians Case No. T-1050**

**DECISION AND ORDER  
OF THE BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS**

The foregoing Stipulation in Settlement, in Case No. T-1050, is hereby adopted as the Order of the Board of Vocational Nursing and Psychiatric Technicians for the State of California on this 3<sup>rd</sup> day of July, 2002. This Decision and Order shall become effective on the 2<sup>nd</sup> day of August, 2002.

  
Sister Marie de Porres Taylor  
President

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SHAWN P. COOK, State Bar No. 117851  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-9954  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7 **BEFORE THE**  
8 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

12 TAMERA ELLEN DEROSE  
7300 Graves Creek Road  
Atascadero, CA 93422

13 Respondent.

Case No. T-1050

OAH No.

14 **STIPULATED SETTLEMENT AND**  
15 **DISCIPLINARY ORDER**

16 In the interest of a prompt and speedy settlement of this matter, consistent with  
17 the public interest and the responsibility of the Board of Vocational Nursing and Psychiatric  
18 Technicians of the Department of Consumer Affairs, the parties hereby agree to the following  
19 Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval  
20 and adoption as the final disposition of the Statement of Issues.

21 **PARTIES**

22 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive  
23 Officer of the Board of Vocational Nursing and Psychiatric Technicians. She brought this action  
24 solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney General  
25 of the State of California, by Shawn P. Cook, Deputy Attorney General.

26 2. Respondent Tamera Ellen DeRose (Respondent) is represented in this  
27 proceeding by attorney Gerald C. Carrasco, whose address is Law Offices of Fisher & Carrasco,  
28 1119 Palm Street, San Luis Obispo, CA 93401.

1                   3.     On or about June 18, 2001, Tamera Ellen DeRose (Applicant/Respondent)  
2 submitted an application for a Psychiatric Technician License to the Board of Vocational  
3 Nursing and Psychiatric technicians. The application was denied on or about August 6, 2001.

4                                   JURISDICTION

5                   4.     Statement of Issues No. T-1050 was filed before the Board of Vocational  
6 Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, and is currently  
7 pending against Respondent. The Statement of Issues and all other statutorily required  
8 documents were properly served on Respondent on January 28, 2002. Respondent timely filed  
9 her Notice of Defense contesting the Statement of Issues. A copy of Statement of Issues No.  
10 T-1050 is attached as exhibit A and incorporated herein by reference.

11                                   ADVISEMENT AND WAIVERS

12                   5.     Respondent has carefully read, fully discussed with counsel, and  
13 understands the charges and allegations in Statement of Issues No. T-1050. Respondent has also  
14 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
15 Settlement and Disciplinary Order.

16                   6.     Respondent is fully aware of her legal rights in this matter, including the  
17 right to a hearing on the charges and allegations in the Statement of Issues; the right to be  
18 represented by counsel at her own expense; the right to confront and cross-examine the witnesses  
19 against her; the right to present evidence and to testify on her own behalf; the right to the  
20 issuance of subpoenas to compel the attendance of witnesses and the production of documents;  
21 the right to reconsideration and court review of an adverse decision; and all other rights accorded  
22 by the California Administrative Procedure Act and other applicable laws.

23                   7.     Respondent voluntarily, knowingly, and intelligently waives and gives up  
24 each and every right set forth above.

25                                   CULPABILITY

26                   8.     Respondent understands that the charges and allegations in the Statement  
27 of Issues, if proven at a hearing, constitute cause for denying her application for a Vocational  
28 Nurse License.

1                   9.     Respondent admits the truth of each and every charge and allegation in  
2 Statement of Issues No. T-1050.

3                   10.    Respondent agrees that her Psychiatric Technician License is subject to  
4 denial and she agrees to be bound by the Board's imposition of discipline as set forth in the  
5 Disciplinary Order below.

6                                   RESERVATION

7                   11.    The admissions made by Respondent herein are only for the purposes of  
8 this proceeding, or any other proceedings in which the Board of Vocational Nursing and  
9 Psychiatric Technicians or other professional licensing agency is involved, and shall not be  
10 admissible in any other criminal or civil proceeding.

11                                  CONTINGENCY

12                   12.    This stipulation shall be subject to approval by the Board of Vocational  
13 Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for  
14 Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may  
15 communicate directly with the Board regarding this stipulation and settlement, without notice to  
16 or participation by Respondent or her counsel. By signing the stipulation, Respondent  
17 understands and agrees that she may not withdraw her agreement or seek to rescind the  
18 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
19 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
20 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
21 the parties, and the Board shall not be disqualified from further action by having considered this  
22 matter.

23                   13.    The parties understand and agree that facsimile or other copies of this  
24 Stipulated Settlement and Disciplinary Order, including the signatures thereto, shall have the  
25 same force and effect as the originals.

26                   14.    In consideration of the foregoing admissions and stipulations, the parties  
27 agree that the Board may, without further notice or formal proceeding, issue and enter the  
28 following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Vocational Nurse License will be issued to Respondent Tamera Ellen DeRose, however said license shall be automatically revoked. The revocation will be stayed and the Respondent placed on two (2) years probation on the following terms and conditions:

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws, including all statutes and regulations governing the license. Respondent shall submit, in writing, a full and detailed account of any and all violations of the law to the Board within five (5) days of occurrence. To ensure compliance with this term, respondent shall submit two (2) completed fingerprint cards and the applicable fingerprint processing fees to the Board within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprint cards were already submitted by Respondent as part of her licensure application process effective July 1, 1996. Respondent shall also submit a recent 2" x 2" photograph of herself within thirty (30) days of the effective date of the decision.

2. **Compliance With Probation Program And Quarterly Report Requirements.** Respondent shall fully comply with terms and conditions of the probation established by the Board and shall cooperate with the representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Probation Program.

Respondent shall submit quarterly reports, under penalty of perjury, in a form required by the Board. The reports shall certify and document compliance with all the conditions of probation.

3. **Notification of Address And Telephone Number Change(s).** Respondent shall notify the Board, in writing, within five (5) days of a change of residence or mailing address, of her new address and any change in her work and/or home telephone numbers.

4. **Notification of Residency or Practice Outside of State.** Respondent shall notify the Board, in writing, within five (5) days, if she leaves California to reside or practice in another state.



Respondent shall notify the Board, in writing, within five (5) days, upon her return to California.

The period of probation shall not run during the time Respondent is residing or practicing outside California.

5. **Notification to Employer(s).** When currently employed or applying for employment in any capacity in any health care profession, Respondent shall notify her employer of the probationary status of Respondent's license. This notification to the Respondent's current health care employer shall occur no later than the effective date of the Decision. Respondent shall notify any prospective health care employer of her probationary status with the Board prior to accepting such employment. This notification shall be by providing the employer or prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical health care positions.

Respondent shall cause each health care employer to submit quarterly reports to the Board. The reports shall be on a form provided by the Board, shall include a performance evaluation and such other information as may be required by the Board.

Respondent shall notify the Board, in writing, within five (5) days of any change in employment status. Respondent shall notify the Board, in writing, if she is terminated from any nursing or health care related employment with a full explanation of the circumstances surrounding the termination.

6. **Interviews/meetings With Board Representative(s).** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board, or its designated representatives.

7. **Employment Requirements And Limitations.** During probation, Respondent shall work in her licensed capacity in the State of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

1 While on probation, Respondent shall not work for a nurses' registry or in any  
2 private duty position, a temporary nurse placement agency, as a faculty member in an accredited  
3 or approved school of nursing, or as an instructor in a Board approved continuing education  
4 course except as approved, in writing, by the Board. Respondent shall work only on a regularly  
5 assigned, identified and predetermined work site(s) and shall not work in a float capacity except  
6 as approved, in writing, by the Board.

7 **8. Supervision Requirements.** Respondent shall obtain prior approval from  
8 the Board, before commencing any employment, regarding the level of supervision provided to  
9 Respondent while employed as a licensed vocational nurse or psychiatric technician.

10 Respondent shall not function as a charge nurse (i.e., work in any healthcare  
11 setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians,  
12 certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric  
13 technician during the period of probation except as approved, in writing, by the Board.

14 **9. Completion of Educational Course(s).** Respondent, at her own expense,  
15 shall enroll and successfully complete a course(s) substantially related to the violation(s) no later  
16 than the end of the first year of probation; or Respondent shall be suspended from practice, until  
17 she has enrolled in and has successfully completed the specified course work.

18 The course work shall be in addition to that required for license renewal. The  
19 Board shall notify Respondent of the course content and number of contact hours required.  
20 Within thirty (30) days of the Board's written notification of assigned course work, Respondent  
21 shall submit a written plan to comply with this requirement. The Board shall approve such plan  
22 prior to enrollment in any course of study.

23 Upon successful completion of the course, Respondent shall cause the instructor  
24 to furnish proof to the Board within thirty (30) days of course completion.

25 **10. Maintenance of Valid License.** Respondent shall, at all times while on  
26 probation, maintain an active current license with the Board, including any period during which  
27 suspension or probation is tolled.

28 ///

1           Should respondent's license, by operation of law or otherwise, expire, upon  
2 renewal or reinstatement respondent's license shall be subject to any and all terms of this  
3 probation not previously satisfied.

4           **11. Cost Recovery Requirements.** Where an order for recovery of costs is  
5 made, Respondent shall make timely payment as directed in the Board's Decision pursuant to  
6 Business and Professions Code Section 125.3. Failure to make payments in accordance with any  
7 formal agreement entered into with the Board or pursuant to any Decision by the Board shall be  
8 considered a violation of probation.

9           The Board may conditionally renew or reinstate, for a maximum of one year, the  
10 license of any respondent who demonstrates financial hardship. Respondent shall enter into a  
11 formal agreement with the Board to reimburse the unpaid costs within that one year period.

12           Except as provided above, the Board shall not renew or reinstate the license of  
13 any Respondent who has failed to pay all the costs as directed in a Decision.

14           **12. Violation of Probation.** If Respondent violates the conditions of her  
15 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
16 aside the stay order and impose the stayed discipline (revocation/suspension) of the Respondent's  
17 license. If during the period of probation, an accusation or petition to revoke has been filed  
18 against the Respondent's license or the Attorney General's Office has been requested to prepare  
19 an accusation or petition to revoke probation against the Respondent's license, the probationary  
20 period shall automatically be extended and shall not expire until the accusation or petition has  
21 been acted upon by the Board. Upon successful completion of probation, the Respondent's  
22 license will be fully restored.

23           **13. Chemical Dependency Support/recovery Groups.** Within five (5) days  
24 of the effective date of the Decision, Respondent shall begin attendance at a chemical  
25 dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse Support  
26 Group). Verified documentation of attendance shall be submitted by the Respondent with each  
27 quarterly report. Respondent shall continue attendance in such a group for the duration of  
28 probation.

1           14.    **Abstain From Controlled Substances.** Respondent shall completely  
2 abstain from the personal use or possession of controlled substances, as defined in the California  
3 Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of  
4 the Business and Professions Code, except when lawfully prescribed by a licensed practitioner  
5 for a bona fide illness.

6           15.    **Abstain From Use of Alcohol.** Respondent shall completely abstain from  
7 the use of alcoholic beverages during the period of probation.

8           16.    **Submit Biological Fluid Samples.** Respondent shall immediately submit  
9 to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. There  
10 will be no confidentiality in test results; positive test results will be immediately reported to the  
11 Board and the Respondent's current employer.

12  
13                                   ACCEPTANCE

14           I have carefully read the above Stipulated Settlement and Disciplinary Order and  
15 have fully discussed it with my attorney, Gerald C. Carrasco. I understand the stipulation and the  
16 effect it will have on my Psychiatric Technician License. I enter into this Stipulated Settlement  
17 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
18 Decision and Order of the Board of Vocational Nursing and Psychiatric Technicians.

19 DATED: 4-10-02.

20                                   Tamera Ellen DeRose  
21 TAMERA ELLEN DEROSE  
22 Respondent

23           I have read and fully discussed with Respondent Tamera Ellen DeRose the terms  
24 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
25 Order. I approve its form and content.

26 DATED: 4/10/02.


27                                   Gerald C. Carrasco  
28 GERALD C. CARRASCO  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of the Department of Consumer Affairs.

DATED: 4/17/02

BILL LOCKYER, Attorney General  
of the State of California

  
SHAWN P. COOK  
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number: 03597110-LA2001AD2306  
SPC:dmc 3/15/02

**Exhibit A**  
**Statement of Issues No. T-1050**



1 BILL LOCKYER, Attorney General  
of the State of California  
2 SHAWN P. COOK, State Bar No. 117851  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-9954  
5 Facsimile: (213) 897-2804  
6 Attorneys for Complainant

7  
8  
9  
10 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. T-1050

13 TAMERA ELLEN DEROSE  
14 7300 Graves Creek Road  
15 Atascadero, California 93422  
16

**STATEMENT OF ISSUES**

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
21 statement of issues solely in her official capacity as the Executive Officer of the Board of  
22 Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

23 2. On or about June 18, 2001, TAMERA ELLEN DEROSE submitted an  
24 application for a Psychiatric Technician License to the Board of Vocational Nursing and  
25 Psychiatric Technicians. The application was denied on or about August 6, 2001.

26 **STATUTORY PROVISIONS**

27 3. Section 4511 of the Business and Professions Code (Code) provides, in  
28 pertinent part, that the Board of Vocational Nursing and Psychiatric Technicians (Board) may

1 deny licensure if the applicant committed any act which, if committed by a licensed psychiatric  
2 technician, would be grounds for disciplinary action.

3           4.       Section 480 of the Code provides, in pertinent part, that the Board may  
4 deny licensure if the applicant has been convicted of a crime substantially related to the  
5 qualifications, functions or duties of a licensed psychiatric technician; has committed any act  
6 involving dishonesty, fraud or deceit; has committed any act which, if done by a licensee, would  
7 be grounds for discipline; or has knowingly made a false statement of fact required to be revealed  
8 on the application for licensure.

9                   FIRST CAUSE FOR DENIAL OF APPLICATION

10                   (Committed Acts Which Are Grounds for Discipline)

11           5.       Respondent's application is subject to denial under Code section 480(a)(3)  
12 and 4511 in that she committed an act which if committed by a licensee would be grounds for  
13 disciplinary action as follows:

14                   a. On or about July 6, 2001, in a criminal proceeding entitled *People v. DeRose*,  
15 *Tamera Ellen* in San Luis Obispo Superior Court, Case Number M000312928, Respondent was  
16 convicted by plea of nolo contendere in Vehicle Code section 23152(a) (driving under the  
17 influence of alcohol). This conduct would constitute grounds for discipline under Code section  
18 4521(a)(6), 4521(a)(5), 4521(f) and 490.

19                   b. On or about June 10, 2001, she used alcohol in a manner or to an extent  
20 dangerous or injurious to herself or others by driving a motor vehicle upon a highway or street  
21 under the influence of alcohol. This conduct would constitute grounds for discipline under Code  
22 section 4561(a)(5).

23 //

24 //

25 //

26 //

27 //

28 //

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2

3  
4  
5  
6  
7  
8

## 9

10  
11  
12

13

14

15

16

17  
18  
19  
20

22

23

24 |

25 |

6

17

1